

**Congress of the United States**  
**Washington, DC 20515**

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The Honorable Ajit Pai  
Chairman  
Federal Communications Commission  
445 12<sup>th</sup> Street Southwest  
Washington, D.C. 20554-0004

Re: ***Status of Joint Petition of Anthem, Inc., Blue Cross Blue Shield Association, WellCare Health Plans, Inc., and the American Association of Healthcare Administrative Management for Expedited Declaratory Ruling and/or Clarification of the 2015 TCPA Omnibus Declaratory Ruling and Order, CG Docket No. 02-278.***

Dear Chairman Pai:

We are writing to you again regarding our support for clarifications to the Federal Communications Commission's (the "FCC" or "Commission") 2015 Telephone Consumer Protection Act ("TCPA") Omnibus Declaratory Ruling and Order (the "2015 Order"), which addresses, among other topics, the TCPA's treatment of health care-related outreach to consumers. We urge your attention and quick response to our renewed request.

We continue to encourage the FCC to act swiftly and with the best interest of the nation's citizens in mind to harmonize the Health Insurance Portability and Accountability Act of 1996 ("HIPAA") with the TCPA. Non-telemarketing health care-related communications can improve health care outcomes and overall well-being by reaching underserved populations, promoting consistent treatment adherence, and preventing lapses in insurance coverage. Importantly, failure to provide these types of communications puts stakeholders in direct non-compliance with the obligations for new member outreach, appointment reminders and other medical communications mandated in Medicaid managed care contracts by the Center for Medicare and Medicaid Services (CMS).

On July 28, 2016, a diverse array of stakeholders in the healthcare industry – WellCare Health Plans, Anthem, Inc., Blue Cross Blue Shield Association, and the American Association of Healthcare Administrative Management (collectively, the "Petitioners") – petitioned the FCC for clarification to reconcile the regulation of a consumer's telephone number under the TCPA with the regulation of the same under HIPAA. Specifically, they asked the FCC to confirm that the provision of a telephone number to a "covered entity" or "business associate," governed by HIPAA and already regulated by the U.S. Department of Health and Human Services, constitutes "prior express consent" under the TCPA. In addition, the Petitioners are seeking clarification that the term "healthcare provider," as that term is used in the 2015 Order, includes all HIPAA "covered entities" and "business associates" as those terms are defined within HIPAA. As the Petitioners explain, clarification is necessary to harmonize the TCPA, HIPAA, and prior Commission rulings to protect patient health care communications.

The House Energy and Commerce Committee held a bipartisan hearing on this issue on September 22, 2016 that highlighted these TCPA challenges and illustrated the important role modern technologies play in improving individuals' health and wellness, as well as the reduced cost to consumers and the healthcare system overall.

We share the FCC's goal of reducing the overall number of unwarranted and harassing phone calls as well as protecting the privacy of consumers across the nation. Time is of the essence, and we encourage the FCC to resolve this issue in any TCPA ruling that the Commission releases.

Thank you for considering this important request.

Sincerely yours,



GUS M. BILIRAKIS  
Member of Congress



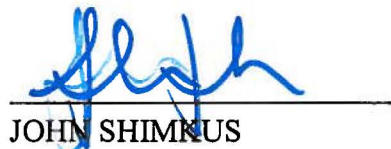
TONY CÁRDENAS  
Member of Congress



LEONARD LANCE  
Member of Congress




YVETTE CLARKE  
Member of Congress



JOHN SHIMKUS  
Member of Congress



BOBBY L. RUSH  
Member of Congress



ADAM KINZINGER  
Member of Congress



GENE GREEN  
Member of Congress



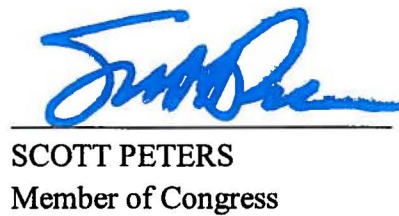
BILL JOHNSON  
Member of Congress



KURT SCHRADER  
Member of Congress



BILLY LONG  
Member of Congress



SCOTT PETERS  
Member of Congress



BILL FLORES  
Member of Congress



SUSAN W. BROOKS  
Member of Congress



FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

OFFICE OF  
THE CHAIRMAN

December 31, 2018

The Honorable Gus Bilirakis  
U.S. House of Representatives  
2112 Rayburn House Office Building  
Washington, D.C. 20515

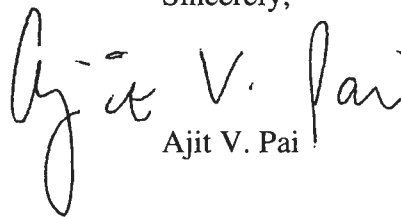
Dear Congressman Bilirakis:

Thank you for your letter regarding a petition filed by WellCare Health Plans, among others, concerning the treatment of non-telemarketing healthcare calls subject to the Health Insurance Portability and Accountability Act. In your letter, you encourage the Commission to expedite a resolution of WellCare's petition.

The Commission's Consumer & Governmental Affairs Bureau released a Public Notice seeking comment on the petition, and the comment cycles on the matter have been completed. Commission staff is carefully reviewing the record in the proceeding. In addition, Commission staff as well as staff in my office have met with representatives of WellCare and the other petitioners to discuss their request. I can assure you that we will take into consideration the issues and concerns presented by all stakeholders as the Commission makes every effort to conclude its review as quickly and equitably as possible.

I appreciate your interest in this matter. Please let me know if I can be of any further assistance.

Sincerely,

  
Ajit V. Pai



FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

OFFICE OF  
THE CHAIRMAN

December 31, 2018

The Honorable Tony Cárdenas  
U.S. House of Representatives  
1510 Longworth House Office Building  
Washington, D.C. 20515

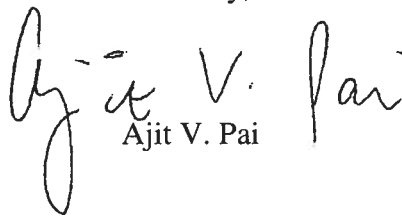
Dear Congressman Cárdenas:

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Sincerely,

  
Ajit V. Pai



FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

OFFICE OF  
THE CHAIRMAN

December 31, 2018

The Honorable Leonard Lance  
U.S. House of Representatives  
2352 Rayburn House Office Building  
Washington, D.C. 20515

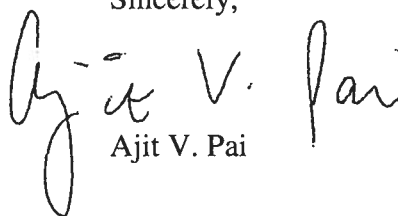
Dear Congressman Lance:

Thank you for your letter regarding a petition filed by WellCare Health Plans, among others, concerning the treatment of non-telemarketing healthcare calls subject to the Health Insurance Portability and Accountability Act. In your letter, you encourage the Commission to expedite a resolution of WellCare's petition.

The Commission's Consumer & Governmental Affairs Bureau released a Public Notice seeking comment on the petition, and the comment cycles on the matter have been completed. Commission staff is carefully reviewing the record in the proceeding. In addition, Commission staff as well as staff in my office have met with representatives of WellCare and the other petitioners to discuss their request. I can assure you that we will take into consideration the issues and concerns presented by all stakeholders as the Commission makes every effort to conclude its review as quickly and equitably as possible.

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Sincerely,

  
Ajit V. Pai



FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

OFFICE OF  
THE CHAIRMAN

December 31, 2018

The Honorable Yvette D. Clarke  
U.S. House of Representatives  
2058 Rayburn House Office Building  
Washington, D.C. 20515

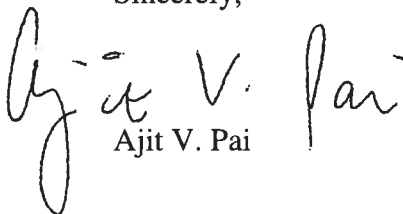
Dear Congresswoman Clarke:

Thank you for your letter regarding a petition filed by WellCare Health Plans, among others, concerning the treatment of non-telemarketing healthcare calls subject to the Health Insurance Portability and Accountability Act. In your letter, you encourage the Commission to expedite a resolution of WellCare's petition.

The Commission's Consumer & Governmental Affairs Bureau released a Public Notice seeking comment on the petition, and the comment cycles on the matter have been completed. Commission staff is carefully reviewing the record in the proceeding. In addition, Commission staff as well as staff in my office have met with representatives of WellCare and the other petitioners to discuss their request. I can assure you that we will take into consideration the issues and concerns presented by all stakeholders as the Commission makes every effort to conclude its review as quickly and equitably as possible.

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Sincerely,

  
Ajit V. Pai



FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

OFFICE OF  
THE CHAIRMAN

December 31, 2018

The Honorable John Shimkus  
U.S. House of Representatives  
2217 Rayburn House Office Building  
Washington, D.C. 20515

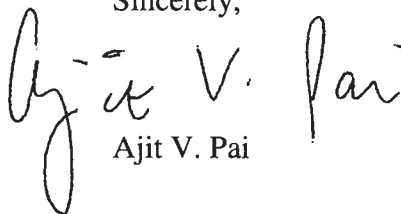
Dear Congressman Shimkus:

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The Commission's Consumer & Governmental Affairs Bureau released a Public Notice seeking comment on the petition, and the comment cycles on the matter have been completed. Commission staff is carefully reviewing the record in the proceeding. In addition, Commission staff as well as staff in my office have met with representatives of WellCare and the other petitioners to discuss their request. I can assure you that we will take into consideration the issues and concerns presented by all stakeholders as the Commission makes every effort to conclude its review as quickly and equitably as possible.

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Ajit V. Pai





FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

OFFICE OF  
THE CHAIRMAN

December 31, 2018

The Honorable Bobby L. Rush  
U.S. House of Representatives  
2188 Rayburn House Office Building  
Washington, D.C. 20515

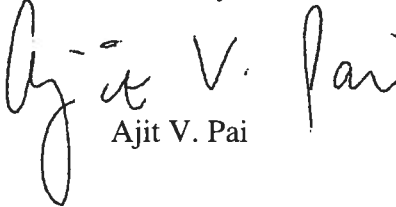
Dear Congressman Rush:

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Ajit V. Pai



FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

OFFICE OF  
THE CHAIRMAN

December 31, 2018

The Honorable Adam Kinzinger  
U.S. House of Representatives  
2245 Rayburn House Office Building  
Washington, D.C. 20515

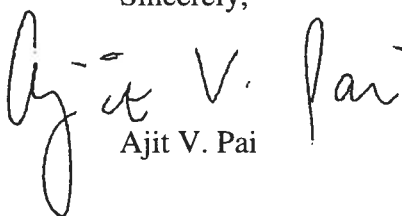
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FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

OFFICE OF  
THE CHAIRMAN

December 31, 2018

The Honorable Gene Green  
U.S. House of Representatives  
2470 Rayburn House Office Building  
Washington, D.C. 20515

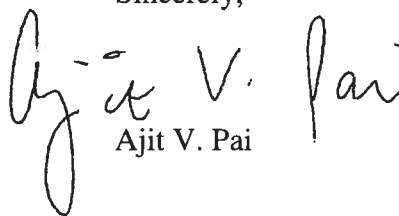
Dear Congressman Green:

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FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

OFFICE OF  
THE CHAIRMAN

December 31, 2018

The Honorable Bill Johnson  
U.S. House of Representatives  
1710 Longworth House Office Building  
Washington, D.C. 20515

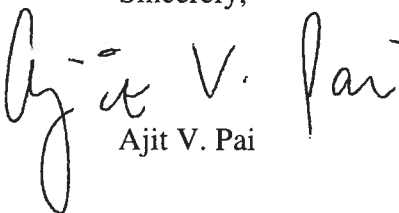
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FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

OFFICE OF  
THE CHAIRMAN

December 31, 2018

The Honorable Kurt Schrader  
U.S. House of Representatives  
2431 Rayburn House Office Building  
Washington, D.C. 20515

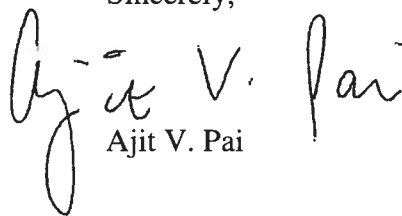
Dear Congressman Schrader:

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FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

OFFICE OF  
THE CHAIRMAN

December 31, 2018

The Honorable Scott Peters  
U.S. House of Representatives  
1122 Longworth House Office Building  
Washington, D.C. 20515

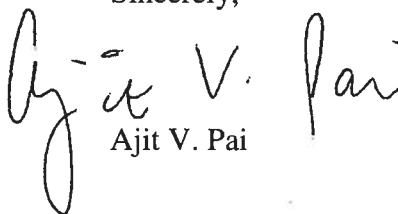
Dear Congressman Peters:

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FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

OFFICE OF  
THE CHAIRMAN

December 31, 2018

The Honorable Billy Long  
U.S. House of Representatives  
2454 Rayburn House Office Building  
Washington, D.C. 20515

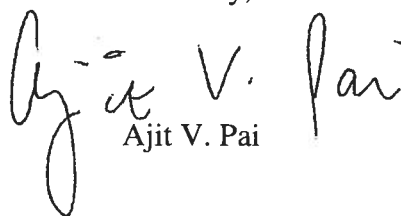
Dear Congressman Long:

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FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

OFFICE OF  
THE CHAIRMAN

December 31, 2018

The Honorable Bill Flores  
U.S. House of Representatives  
2440 Rayburn House Office Building  
Washington, D.C. 20515

Dear Congressman Flores:

Thank you for your letter regarding a petition filed by WellCare Health Plans, among others, concerning the treatment of non-telemarketing healthcare calls subject to the Health Insurance Portability and Accountability Act. In your letter, you encourage the Commission to expedite a resolution of WellCare's petition.

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Sincerely,

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Ajit V. Pai





FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

OFFICE OF  
THE CHAIRMAN

December 31, 2018

The Honorable Susan W. Brooks  
U.S. House of Representatives  
1030 Longworth House Office Building  
Washington, D.C. 20515

Dear Congresswoman Brooks:

Thank you for your letter regarding a petition filed by WellCare Health Plans, among others, concerning the treatment of non-telemarketing healthcare calls subject to the Health Insurance Portability and Accountability Act. In your letter, you encourage the Commission to expedite a resolution of WellCare's petition.

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Ajit V. Pai